

US Patent Application No. 10/713,837  
Second Reply to Final Office Action of August 23, 2005  
Customer No. 27683

Attorney Docket No. 31132.189

### REMARKS

Claims 4, 9, and 21-36 were pending in the application, of which claims 4, 9, and 36 have been allowed, claim 23 is objected to, claim 32 has been herein cancelled, and claim 33 has been herein amended. Reconsideration and allowance of claims 4, 9, 21-31 and 33-36 is respectfully requested.

#### Examiner Interview

Applicant notes with appreciation the interview afforded by the Examiner on November 1, 2005. In that interview, applicant agreed to add the term "convex" to claim 32. This was accomplished by cancelling independent claim 32 and amending dependent claim 33 to be in independent form and to include the term "convex." Presently presented independent claim 33 now describes how the milled endplate of the vertebral body has a "convex shape."

#### Conclusion

No new matter has been added, and the only amendments made herein are as to form. No new claim limitations have been added after the final Office Action.

Should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the below listed telephone number.

Respectfully submitted,

  
David M. O'Dell

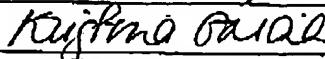
Registration No. 42,044

Dated: November 1, 2005  
HAYNES AND BOONE, LLP  
901 Main Street, Suite 3100  
Dallas, Texas 75202-3789  
Telephone: 972/739-8635  
Facsimile: 214/200-0853  
Client Ref. No. PC904.08  
Doc. No. R-120145.1

I hereby certify that this correspondence is being faxed to the  
Commissioner for Patents at the fax number provided in the  
latest Office Action, namely 703-872-9306

on

November 1, 2005



Signature of person faxing paper